

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BENONI LENNOX DIXON, et al.,

Plaintiffs,

**MEMORANDUM**

- v -

CV-03-0343 (DLI)(VVP)

THE CITY OF NEW YORK, et al.,

Defendants.

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The parties have submitted a Stipulation and Protective Order for the court's endorsement. A portion of the proposed order is problematic. Specifically, subsection (b) of the first numbered paragraph permits documents to be made subject to the order simply upon the agreement of counsel, and thus gives unlimited discretion to counsel and the parties to designate any documents to be subject to the order without making a showing of good cause as required by Rule 26(c) of the Federal Rules of Civil Procedure. Accordingly, the court has declined to enter the order as written, but rather has stricken subsection (b), as well as the reference to subsection (b) in subsection (d) of the same paragraph.

**SO ORDERED:**

*Viktor V. Pohorelsky*  
VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
June 4, 2009